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JUN 23 2008
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SUPREME COURT, U.S.

No. 07-1198

IN THE SUPREME COURT OF THE UNITED STATES

FRANCIS W. SPLITTORFF
Petitioner,

v.

JERRY AIGNER, PAM AIGNER, BEVERLY CHILDS, AND WARRICK COUNTY INDIANA
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE INDIANA COURT OF APPEALS

PETITION FOR REHEARING

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PETITION FOR REHEARING

Petitioner Francis .W. Splittorff (hereinafter "Splittorff"), by counsel Robert R. Faulkner, respectfully petitions for a rehearing of the Court's order of May 27, 2008 denying Splittorff's Petition for Writ of Certiorari to review the judgment of the Indiana Court of Appeals in this case.

REASONS FOR GRANTING OF THE PETITION

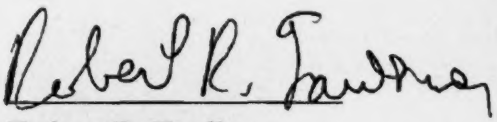
A. Newly acquired information as to at least one other Indiana property tax payer being similarly aggrieved by operation of Indiana's Tax Sale Statute suggests that the Splittorff's circumstance is being repeated elsewhere in Indiana.

The Affidavit Andrew S. Williams is contained herein and set forth below. It demonstrates circumstances strongly suggesting that there are many other real property taxpayers in the State of Indiana who are aggrieved in the same way as Splittorff and Mr. Williams' client by operation of the Indiana Tax Sale Statute and the failure of Indiana Courts to apply it in a manner that comports with the numerous authorities of this and other courts cited in Splittorff's Petition for Certiori.

RULE 44(2) CERTIFICATION

I Robert R. Faulkner being duly admitted to practice in the Supreme Court of the United States swear or affirm under penalty for perjury that this petition is being made in good faith and not for delay, that the basis for this petition for rehearing was not known at the time of filing of the Petition for Certiorari herein, that the undersigned believes to the best of his information and belief that the grounds asserted herein are substantial and meritorious and that this petition for rehearing is

restricted to the grounds set forth in Rule 44(2) of the rules of the United States Supreme Court.



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AFFIDAVIT OF ANDREW S. WILLIAMS

Comes now Affiant Andrew S. Williams being duly sworn upon his oath now deposes and says:

1. Affiant is an adult competent to make the following representations under oath.

2. This affidavit is made on personal knowledge.

3. I am an attorney licensed to practice law in the State of Indiana.

4. I represent the Appellee Swami, Inc. in a matter styled *Thelma Retz et. al. v. Swami Inc.* decided by the Indiana Court of Appeals on January 25, 2008 under Cause No. 02A03-0706-CV-00254. In that matter, the Indiana Court of Appeals reversed an order of the Allen County Indiana Circuit Court (Cause No. 02C01-0208-PL-109) setting aside a tax sale of a parcel of real estate owned by my client, Swami, Inc. On February 21, 2008 I filed a Petition for Rehearing on behalf of my client, Swami, Inc. and on April 1, 2008 the Indiana Court of Appeals issued an opinion on Rehearing affirming its opinion of January 25, 2008. On May 2, 2008 I filed a Petition to Transfer to the Indiana Supreme Court on behalf of my client seeking discretionary review in the Indiana Supreme Court. In filing the Petition to Transfer my client is seeking to exhaust its state court remedies, however I do not expect the remedies afforded by Indiana to afford relief to my client with regard to my client's Constitutional due process and other Constitutional claims.

5. I have reviewed the Petition for Certiorari filed herein and have determined that my client Swami, Inc. similarly situated to the petitioner herein, Mr. Splittorff, is aggrieved by operation of

the Indiana Tax Sale Statute, as construed and applied by Indiana Courts, in a similar manner to that of Mr. Splittorff, and that the issues presented in the Petition for Certiorari filed herein are substantially similar to those presented in the above referenced litigation to which my client is a party.

6. Inasmuch as my client is still in the process of exhausting its remedies in the state courts of Indiana, it has not formally joined in the Petition filed herein but my client would likely be afforded relief nonetheless if this Court were to grant Splittorff's Petition for Certiorari and enter an opinion consistent therewith.

Further affiant sayeth naught

Andrew S. Williams

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared Andrew S. Williams, who being duly sworn, stated the representations contained herein to be true.

WITNESS my hand and Notarial Seal, this 19th day of June, 2008.

Allison R Litton

Allison R. Litton
Printed Name of Notary Public

NOTARY PUBLIC SEAL INDIANA

My Commission Expires: 02/21/2016

Resident of Allen County

CONCLUSION

For the foregoing reasons, Rehearing should be granted, the Court's order denying Splittorff's Petition for a Writ of Certiorari should be vacated and Certiorari should be granted.

Respectfully submitted,
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